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12 *Sahara Chrysler Dodge Ram*

13
14 **UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF NEVADA**

16 SHAWNA CHRISTION, an individual,
17 Plaintiff,

18 Case No. 2:23-cv-00414-APG-VCF

19 vs.
20 LAS VEGAS-CJD, LLC, A LIMITED
21 LIABILITY COMPANY DOING BUSINESS
22 AS SAHARA CHRYSLER DODGE RAM,
23 AND DOES 1-50, INCLUSIVE,

24 Defendants.

25 **[PROPOSED] STIPULATED DISCOVERY**
PLAN AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH L.R.
26-1(b)

26 Plaintiff Shawna Christion (“Plaintiff”) and Las Vegas-CJD, LLC dba Sahara Chrysler
27 Dodge Ram (“Defendant”), by and through their respective attorneys of record, hereby submit this
28 Stipulated Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 26(f)
and Local Rule 26-1(b).

29 **I. Procedural History**

30 Plaintiff, filed her Complaint on March 16, 2023 against Defendant. (ECF No. 1.) On April
31 7, 2023, Defendant filed a Partial Motion to Dismiss Plaintiff Shawna Christion’s Complaint
32 (“Motion to Dismiss”) to dismiss Plaintiff’s Second and Fourth Causes of Actions. (ECF No. 9.) On
33 April 13, 2023, the parties submitted a Stipulation and Order (“Stipulation”) to Dismiss Plaintiff’s
34 Second and Fourth Causes of Action. (ECF No. 10.) The Stipulation was granted, and the Order

1 was filed on April 18, 2023. (ECF No. 12.) On May 9, 2023, Defendant filed its Answer to Plaintiff's
 2 Complaint. (ECF No. 14.)

3 On May 2, 2023, the Court filed an Order Scheduling an Early Neutral Evaluation ("ENE")
 4 for July 5, 2023. (ECF No. 13.) On May 10, 2023, Defendant filed a Request for Exception to the
 5 ENE in-person attendance requirement to request that its representative with binding authority to
 6 settle this matter attend the ENE virtually. (ECF No. 15.)

7 **II. Fed. R. Civ. P. 26(f) Meeting**

8 On May 17, 2023, counsel for Plaintiff, Kathryn L. Bain of Bain Mazza & Debski LLP and
 9 counsel for Defendant, Elody C. Tignor of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
 10 participated in the Fed. R. Civ. P. 26(f) conference.

11 **III. Initial Disclosures**

12 Pursuant to Fed. R. Civ. P. 26(f)(3)(A), the parties stipulate that there shall be no changes to
 13 the form or requirement for disclosures under Fed. R. Civ. P. 26(a). The parties have stipulated that
 14 disclosures under Fed. R. Civ. P. 26(a) shall be due on or before **Wednesday, May 31, 2023**, which
 15 is fourteen (14) days from May 17, 2023, the Rule 26(f) Conference.

16 **IV. The Subjects on Which Discovery Will Be Conducted**

17 The parties agree that discovery will be needed on Plaintiff's claims and causes of action,
 18 damages, as well as Defendant's defenses to the same consistent with the Federal Rules of Civil
 19 Procedure and the Local Rules of this District. The parties may obtain discovery regarding any non-
 20 privileged matter that is relevant to any party's claim or defense and proportional to the needs of the
 21 case subject to the limitations imposed by Fed. R. Civ. P. 26(b)(2).

22 **V. Issues Related to the Disclosure or Discovery of Electronically Stored Information**

23 The parties believe that this case may involve or require the inspection or production of some
 24 electronically stored information ("ESI"). To the extent a party requests ESI, the parties agree that
 25 the ESI can be produced in paper format, as a readable image (e.g., .pdf, .jpg, or .tiff) file, or via hard
 26 electronic copy (e.g., CD_ROM, DVD, or Dropbox.com) while reserving the right to seek ESI
 27 thereafter if necessary and to the extent readable images are insufficient in establishing any claims
 28 or defenses. If a party later requests the ESI be produced in its native format and/or as a forensic

1 copy, the parties agree to meet and confer to determine the parameters of the production and to
 2 produce according to the Federal Rules of Civil Procedure and LR 26-1(b)(9).

3 **VI. Issues Regarding Privilege or Protection**

4 The parties agree to be bound by Federal Rule of Evidence 502 regarding the disclosure of
 5 privileged material or work product. Further, the parties acknowledge and agree that while each
 6 taking reasonable steps to identify and prevent the disclosure of any document (or information) that
 7 they believe is privileged, there is a possibility that certain privileged material may be produced
 8 inadvertently. Accordingly, the parties agree that a party who produces a document protected from
 9 disclosure by the attorney-client privilege, attorney work product doctrine or any other recognized
 10 privilege (“privileged document”) without intending to waive the claim of privilege associated with
 11 such document may promptly, meaning within fifteen (15) days after the producing party actually
 12 discovers that such inadvertent disclosure occurred, amend its discovery response and notify the
 13 other party that such document was inadvertently produced and should have been withheld. Once
 14 the producing party provides such notice to the requesting party, the requesting party must promptly,
 15 meaning within seventy-two (72) hours, return the specified document(s) and any copies thereof. By
 16 complying with this obligation, the requesting party does not waive any right to challenge the
 17 assertion of privilege and request an order of the Court denying such privilege.

18 **VII. Discovery Disputes**

19 The parties agree that before moving for an order relating to discovery after complying with
 20 the Federal Rules of Civil Procedure and applicable Local Rules of this District, the moving party
 21 must request a status conference with the Court pursuant to Fed. R. Civ. P. 16(b)(3)(v).

22 **VIII. Alternative Dispute Resolution**

23 The parties hereby certify that they have met and conferred about the possibility of using
 24 alternative dispute resolution processes including mediation, arbitration. The parties believe private
 25 mediation may be beneficial, and the parties will meet and confer about it further should the ENE be
 26 unsuccessful.

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1 **IX. Alternative Forms of Case Disposition**

2 Pursuant to LR 26-1(b)(7-9), the parties hereby certify that they considered consent to trial
 3 by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial
 4 Program. At this time, the parties do not consent to trial by the magistrate judge or to the use of the
 5 Court's Short Trial Program.

6 **X. Electronic Evidence**

7 The parties hereby certify that they discussed whether they intend to present evidence in
 8 electronic format to jurors for the purposes of jury deliberations. Discussions between the parties
 9 will be ongoing as the trial date approaches, and the parties stipulate that they intend to present any
 10 electronic evidence in a format compatible with the court's electronic jury evidence display system.

11 **XI. Discovery Plan**

12 All discovery in this case will be conducted in accordance with the Federal Rules of Civil
 13 Procedure and applicable Local Rules of this District Court. The parties propose to the Court the
 14 following cut-off dates:

15 a. **Discovery Cut-off Date:** The discovery cut-off deadline shall be **Wednesday, October 4, 2023**, 180 days from the date of Defendant's Partial Motion to Dismiss, which was filed
 16 on April 7, 2023.

17 b. **Amending the Pleadings and Adding Parties:** The deadline to amend pleadings or
 18 add parties shall be **Thursday, July 6, 2023**, ninety (90) days prior to the discovery cut-off date.

19 c. **Expert Disclosures:** The expert disclosure deadline shall be **Monday, August 7, 2023**,¹ fifty-eight (58) days prior to the discovery cut-off date. Rebuttal expert disclosures shall be
 20 made by **Wednesday, September 6, 2023**, thirty (30) days after the initial disclosure of experts.

21 d. **Dispositive Motions:** Dispositive motions shall be filed by **Friday, November 3, 2023**, thirty (30) days after the discovery cut-off date.

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 27 ¹ 60 days before the Discovery Cutoff of October 4, 2023, is Saturday, August 5, 2023. Pursuant to
 28 Fed. R. Civ. P. 6(a)(1)(c), the period continues to run until the end of the next day that is not a
 Saturday, Sunday, or legal holiday.

1 e. **Pretrial Order:** The Pretrial Order shall be filed no later than **Monday, December**
2 **4, 2023**,² thirty-one (31) days after the deadline for filing dispositive motions date. In the event
3 dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30) days after
4 a decision of the dispositive motions or further order of the Court.

5 f. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The pretrial disclosures required by Fed. R.
6 Civ. P. 26(a)(3), and any objections thereto, shall be included in the final pretrial order in accordance
7 with LR 26-1(b)(6).

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27 2 30 days after the date of filing dispositive motions is Sunday, December 3, 2023. Pursuant to Fed.
28 R. Civ. P. 6(a)(1)(c), the period continues to run until the end of the next day that is not a Saturday,
Sunday, or legal holiday.

1 **XII. Extensions or Modifications of the Discovery Plan and Scheduling Order**

2 In accordance with LR 26-3, any motion or stipulation to extend a deadline set forth in this
3 discovery plan and scheduling order shall be received by the Court no later than twenty-one (21)
4 days before the expiration of the subject deadline. A request made within twenty-one (21) days of
5 the subject deadline will be supported by a showing of good cause. Any stipulation or motion will
6 comply fully with LR 26-3.

7 DATED this 19th day of May, 2023.

8 BAIN MAZZA & DEBSKI LLC

9 /s/ *Kathryn L. Bain*

10 Kathryn L. Bain
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14 Telephone: 702.919.1090
15 Attorney for Plaintiff Shawna Christion

7 DATED this 22nd day of May, 2023.

8 OGLETREE, DEAKINS, NASH, SMOAK & STEWART
P.C.

9 /s/ *Elody C. Tignor*

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19 *Attorneys for Defendant Las Vegas-CJD, LLC DBA
20 Sahara Chrysler Dodge Ram*

17 **ORDER**

18 IT IS SO ORDERED.



20 UNITED STATES MAGISTRATE JUDGE

21 5-23-2023

22 DATE